

**PROPOSED AMENDMENTS TO THE LDRS
TO ADD A TIER SYSTEM OVERLAY DISTRICT**

AMENDMENT # 1

Renumber existing 9.5-256 Aggregation to 9.5-271

AMENDMENT # 2

Add new Section 9.5-256 that reads as follows:

Sec. 9.5-256. Tier overlay district

(a) *Purpose:* The purpose of this Tier Overlay District is to designate geographical areas outside of mainland Monroe County into one of three tiers to assign ROGO and NROGO points, determine the amount of clearing of upland native vegetation that may be permitted, and prioritize lands for public acquisition. The Tier boundaries are to be depicted on the Tier Overlay District Map.

(b) *Criteria:* The Tier boundaries are designated using aerial photography, data from the Florida Keys Carrying Capacity Study, the endangered species maps, property information and field evaluation. The following criteria at a minimum are used to evaluate upland habitats and designate boundaries between different Tier Overlays:

(1) Criteria for designating lands as Tier I:

- a. Natural areas including old and new growth upland native vegetated areas, above four (4) acres and a buffer of privately owned vacant lots and parcels.
- b. Vacant land to connect patches and reduce further fragmentation.
- c. A buffer, up to five-hundred (500) feet if indicated, between natural areas and development to reduce secondary impacts; canals or roadways, depending on size may form a boundary.
- d. Lands designated for acquisition by public agencies.
- e. Known locations of threatened and endangered species.
- f. Native Area Land Use district and other districts in buffer/restoration area as appropriate.
- g. Lands with a potential for successful land management-restoration of disturbed habitat, removal of exotics, and connection of patches.
- h. Areas with minimal existing development.

(2) Criteria for designating lands as Tier II:

- a. Subdivisions less than fifty (50) percent developed, or portions of subdivisions that are less than fifty (50) percent developed because of environmental constraints.
- b. Fragmented, unconnected hammock patches of less than 4 acres, which are isolated from larger natural areas by existing development.
- c. Developed and undeveloped SR and SS lots with upland native habitat.
- d. Platted lots in areas where adjoining property owner(s) may purchase the lots with county participation.

(3) Criteria for designating lands as Tier III:

- a. Isolated upland habitat fragments of less than half an acre.
- b. Substantially developed subdivisions near established commercial areas.
- c. Primarily IS and URM lots.
- d. Developed non-residential and mixed used areas.

(c) *Tier Overlay District Map Amendments:* The Tier Overlay District Map may be amended to reflect existing conditions in an area if warranted because of drafting or data errors or changed conditions. Tier Overlay District Map amendments shall be made pursuant to the procedures for map amendments to this chapter. Unlawful conditions shall not be recognized when determining existing conditions and regulatory requirements.

(d) *Request for Tier I Designation:* Notwithstanding the provisions of Section-9.5-511(d)2, any individual may submit an application to the planning department containing substantial and competent documentation that an area meets the Tier I Criteria. Applications must be received by July 1 of each year on a form approved by the director of planning for consideration by the special master at a public hearing advertised at least fifteen days prior to the October hearing date. Said hearing by the special master shall be held prior to November 1 of each year. The director of planning will review the documentation and any other appropriate scientific information and prepare an analysis report for the special master. The special master will render a written opinion to the planning commission and board of county commissioners either that the application meets the criteria for designating the lands as Tier I or that the documentation is insufficient to warrant a map amendment. The posting, advertising and review will follow the procedures in 9.5-511(d)(3)(4) and (5).